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= *VIA ECF* =

The Honorable Diane Gujarati

United States District Judge
United States District Court, Eastern District of New York
Courtroom 4B South 225 Cadman Plaza East
Brooklyn, New York 11201

Re: Attorney Affirmation in Support of Motion for Adjournment and to Calendar
Pending Motion Case: *Esteban Marquez, Plaintiff, vs. Kirpal Singh, et al., Defendants*
Case No. 20-CV-5855-DG-RML

Dear Judge Gujarati:

MANUEL MOSES, Esq., does hereby affirm under penalties of perjury the following:

1. I am an attorney duly admitted to practice before this Honorable Court and am the attorney of record for the Defendant, Kirpal Singh. I submit this Affirmation and Motion to request an adjournment of the currently scheduled hearing and to seek a determination on our previously filed motion/Order to Show Cause seeking relief for Mr. Singh.

Prior Engagement and Request for Adjournment;

2. The hearing currently scheduled by Order of this Court (ECF No. 65 Order, dated 9/24/2025) for October 7, 2025, at 10:00 a.m. in Courtroom 4B South, cannot be attended by counsel for the Defendant Kirpal Singh due to an unavoidable conflict. I am engaged in a trial that is set on the date of the scheduled appearance. This constitutes a prior engagement pursuant to the Court's rules.
3. Furthermore, the following counsel are also unable to appear on the scheduled date: Co-counsel, the court-appointed Guardian Ad Litem, Anthony J. Cassese, Esq., is unable to appear as he has several previously scheduled closings on the calendar for that day.
4. Due to the unavailability of counsel for Mr. Singh and the Law Guardian, I respectfully request that the hearing scheduled for October 7, 2025, at 10:00 a.m. be adjourned to an alternate date.

5. I have the following dates available for a new hearing or oral argument;

October 22, 24, 29

November 3, 4, 5, 7, 10, 11, 12, 18, 19, 21

I respectfully request the Court calendar the matter on one of these available dates.

Pending Motion for Relief;

6. The Court has not yet rendered a decision on Defendant Kirpal Singh's previously filed Order to Show Cause to Vacate Default Judgment and Dismiss the Action. This motion seeks similar relief (vacatur and dismissal) as the motions addressed in Magistrate Judge Robert M. Levy's Report and Recommendation (R&R), which is the subject of the October 7th hearing.
7. We are still actively seeking the relief requested in that motion. We respectfully submit that this relief should be considered perfunctory based on the prior decisions in this matter and because our arguments are directly in line with the R&R.
8. I respectfully request the Court to set a new date for an Oral Argument on the pending Order to Show Cause/Motion for Relief, to be heard concurrently with the hearing on the Motions addressed in the R&R on one of the alternate dates listed above.

WHEREFORE, the Defendant Kirpal Singh respectfully moves this Honorable Court for an Order: a) Adjourning the hearing scheduled for October 7, 2025, at 10:00 a.m. to one of the alternate dates provided in paragraph 5, above; b) Scheduling Oral Argument on the Defendant Kirpal Singh's pending Order to Show Cause/Motion for Relief concurrently with the hearing on the Motions; and c) Granting such other and further relief as the Court may deem just, fair, and proper.

Affirmed this September 25, 2025;

Respectfully,

Manuel Moses

Manuel Moses, Esq.

cc: Hon. Diane Gujarati (via ECF)
cc: Hon. Robert M. Levy (via ECF)
All Counsel of Record (via ECF)